

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES A. WILSON, et al.,)
)
 Plaintiffs,)
)
 v.) 05-399-JJF-Civil Action No.
)
STANLEY TAYLOR, et al.,)
)
 Defendant(s).)

MEMORANDUM ORDER

Pending before the Court is renewed Motion for a Temporary Restraining Order and Preliminary Injunction filed by Plaintiff, James A. Wilson. (D.I. 29). Plaintiff Wilson's initial Motion for Temporary Restraining Order was denied by the Court on October 11, 2005. (D.I. 22).

The renewed motion is identical to the initial motion for injunctive relief, but adds that Plaintiff Wilson and his cell-mate received a ticket for possession of non-dangerous contraband. Plaintiff Wilson filed a grievance, but "nothing was done". Essentially, Plaintiff Wilson feels harassed by Cpl. John Stolzenbach.

When considering a motion for a temporary restraining order or preliminary injunction, the Court determines: (1) the likelihood of success in the merits; (2) the extent to which the Plaintiff is being irreparably harmed by the conduct complained of; (3) the balancing of the hardships to the respective parties; and(4) the public interest. Continental Group, Inc. V. Amoco

Chemicals Corp., 614 F.2d 351, 359 (3d Cir. 1980) The requisite injury must be irreparable, not merely serious or substantial. Glasco v. Hills, 558 F.2d 179, 181 (3d Cir. 1977).

Plaintiff Wilson has not demonstrated the likelihood of success on the merits nor has he demonstrated irreparable harm to justify the issuance of either a temporary restraining order or a preliminary injunction.

NOW THEREFORE, IT IS HEREBY ORDERED this 12 day of December, 2005, that the Renewed Motion for a Temporary Restraining Order and Preliminary Injunction (D.I. 29) filed by Plaintiff James A. Wilson is **DENIED**.


UNITED STATES DISTRICT JUDGE